



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(292+294) CWP NO.23027-2016(O&M)
DATE OF DECISION: 24.09.2024

Mrs. Gurmeet Kaur and othersPetitioners

VERSUS

State of Punjab and othersRespondents

CWP No.290-2023(O&M)

Jyoti Rana and othersPetitioners

versus

State of Punjab and othersRespondents

CORAM HON’BLE MR.JUSTICE HARSIMRAN SINGH SETHI

Present Mr.A.S.Gagrha, Advocate,
for the petitioner in CWP-23027-2016.

Mr.B.S.Patwalia, Advocate,
with Mr. Gaurav Jagota,Advocate,
for the petitioner in CWP-290-2023.

Mr.Satnam Preet Singh Chauhan, DAG, Punjab. .

Mr. Bikram Chaudhary, Advocate,
for respondent no.4 in CWP-290-2023
and for respondent no.3 in CWP-23027-2016.

HARSIMRAN SINGH SETHI J, (ORAL)

CM-8704-CWP-2018

Present application under Order 1 Rule 10(2) C.P.C. read with

Section 151 C.P.C. is for impleading the applicant as petitioner No.10.



Notice of the application.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab accepts notice on behalf of the respondent-State and submits that he has no objection if the present application is allowed.

In view of the above keeping in view of the facts mentioned in the application, which is duly supported by an affidavit, the present application is allowed. Applicant-Indu Aggarwal is ordered to be impleaded as petitioner No.10.

Amended memo of parties is taken on record.

Registry to tag the same at the appropriate place.

Main Case:

1. By this common order, 2 writ petitions, the details of which have been given in the heading, are being decided both these petitions involve the same question of law on similar facts.

2. In the present petitions, the prayer of the petitioners is that they are entitled for regularization of their services as per the Policy dated 11.03.2011 and the said question of law that as and when an employee completes three years of service, as per the said policy, is entitled for consideration of regularization of his/her service, has already been decided by the Co-ordinate Bench of this Court in **CWP No.11427 of 2015, titled Sukhjad Singh and others v. State of Punjab and another, decided on 19.12.2018**, which judgment has already been upheld in LPA No.516 of 2020, hence, the present petitions be also disposed of in terms of **Sukhjad Singh's case (supra)**.

3. Learned counsel for the respondents does not dispute the said fact that the petitioners are working with the respondents but, submits that the initial



appointment of the petitioners was through the Punjab Information and Technology Corporation and hence the same is to be treated as an appointment through outsourcing agency. Learned counsel for the respondents concedes the factum that from the year 2013 onwards, the department has employed the petitioners and they are working with the department since then without there being any recommendation of respondent no.3 agency and have completed 9 years of service.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners could not have been treated as employees of the outsourcing agency because respondent no.3 Corporation is also a Government Corporation which is a State Government undertaking, hence, it cannot be said that the petitioners are employees of a private outsourcing agency rather, the petitioners were selected and appointed through the said Corporation and hence, the said argument of the learned counsel for the respondents cannot be taken into account.

5. I have heard the learned counsel for the parties and have gone through the record with their assistance.

6. It may be noticed that the question as to whether the petitioners are entitled to be considered under the Regularization Policy dated 11.03.2011 already stands decided by the Co-ordinate Bench of this Court in **Sukhjad Singh's case (supra)**, which judgment has already been upheld by the Division Bench in LPA No. 516 of 2020. Though, the said judgment is pending consideration before the Hon'ble Supreme Court of India, but as there is no interim order, the claim of the petitioners can be allowed in terms of the judgment in **Sukhjad Singh's case (supra)** subject to the outcome of the



Special Leave Petition filed by the State before the Hon'ble Supreme Court of India.

7. Learned counsel for the petitioners has undertaken before this Court that in case, the judgment in **Sukhjad Singh's case (supra)** is modified or set aside by the Hon'ble Supreme Court of India, the same can be made applicable upon the petitioners as well without there being any appeal against the present order.

8. With regard to the contention of the learned counsel for the respondents that the petitioners were employees of the outsourcing agency, it may be noticed that once, the said outsourcing agency is also a Government undertaking and not a private institution and the petitioners were being paid from the State Exchequer, the respondent cannot take the said objection that the petitioners were appointed through outsourcing agency especially when, starting from the year 2013, the petitioners were the direct appointees with the department of the Forest Department, Punjab and have rendered 9 years of service as of now.

9. Keeping in view the above, the present petitions are also disposed of in terms of **Sukhjad Singh's case (supra)** with the condition that in case, the said judgment is modified or set aside by the Hon'ble Supreme Court of India, the same will be ipso facto made applicable upon the petitioners without their being any appeal preferred by the respondents.

10. Let the present order be complied with within a period of 8 weeks from the date of receipt of copy of this order.

11. Pending application, if any, shall stand disposed of along with this judgment.

12. A photocopy of the order be placed on the files of aforementioned connected petition.

24.09.2024
mamta

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No